

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

**JOHN R. COATES, and wife,
MELINDA H. COATES,**

Plaintiffs,

vs.

Case No: 3:20-CV-496

**LOWE'S HOME CENTERS, LLC;
LOWE'S COMPANIES, INC.; LOWE'S
HOME IMPROVEMENT, LLC;
LOWE'S KNOXVILLE, INC.; and
NORTH KNOXVILLE LOWE'S
STORE #0637**

Jury Demand

Defendants.

NOTICE OF REMOVAL

Comes now the Defendant, Lowe's Home Centers, LLC, (hereinafter "Lowe's") in its own capacity and on behalf of incorrectly sued Defendants, Lowe's Companies, Inc.; Lowe's Home Improvement, LLC; Lowe's Knoxville, Inc.; and North Knoxville Lowe's Store #0637, by and through its undersigned counsel, pursuant to 28 U.S.C.A. Section 1441, et seq., and respectfully removes the above-styled cause of action to Federal Court as follows:

1. The above styled cause of action was commenced by Plaintiffs filing a Complaint on or about October 13, 2020, in the Circuit Court for Knox County, Tennessee. A copy of the Plaintiffs' Complaint in that action is attached to this Notice as Exhibit A. Lowe's was served on October 20, 2020; less than thirty (30) days prior to filing this Notice. A copy of the Summons and Notice of Service of Process is attached as Exhibit B.
2. In the Complaint, Plaintiffs assert a liability claim for civil damages against Lowe's. Plaintiff, John R. Coates, alleges he was injured when he was suddenly and without warning struck in

the back of his head by a falling jack post while shopping at a Lowe's store for home supplies. The Plaintiffs allege that Lowe's was negligent and reckless in its conduct. In their Complaint, Plaintiffs seek compensatory damages from Lowe's in the amount of Four Hundred Thousand Dollars (\$400,000.00); \$350,000.00 for Plaintiff John Coates and \$50,000.00 for his wife, Melinda H. Coates.

3. At the time of the commencement of this action, Plaintiffs were, and are now believed and alleged to be citizens and residents of Tennessee. The sole member of the proper Defendant LLC, Lowe's Home Centers, LLC, is a North Carolina Corporation doing business in the State of Tennessee.

4. As a result of the complete diversity of citizenship of the parties, and the fact that Plaintiffs have sued Lowe's in the amount, exclusive of interest and costs, exceeding \$75,000.00, Lowe's submits that pursuant to 28 U.S.C.A. Section 1441, et seq., it is entitled to have this action removed to this Honorable Court.

5. Less than thirty (30) days have elapsed since Lowe's was served with a Summons and a copy of the Complaint in the above-styled cause of action.

WHEREFORE, Lowe's hereby removes the above-styled cause of action from the Circuit Court for Knox County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Northern Division.

Respectfully submitted this 17th day of November, 2020.

s\Clint J. Woodfin
CLINT J. WOODFIN (BPR #016346)
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CERTIFICATE OF SERVICE

I hereby certify that on November 17th, 2020 the Clerk of Court was requested to file a copy of the foregoing Notice. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Clint J. Woodfin

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